

VZCZCXRO7302
PP RUEHDBU
DE RUEHKV #1396/01 1571317
ZNY CCCCC ZZH
P 061317Z JUN 07
FM AMEMBASSY KYIV
TO RUEHC/SECSTATE WASHDC PRIORITY 2614
INFO RUCNCIS/CIS COLLECTIVE
RUEHZG/NATO EU COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 02 KYIV 001396

SIPDIS

SIPDIS

E.O. 12958: DECL: 06/06/2017

TAGS: [PGOV](#) [PHUM](#) [UP](#)

SUBJECT: UKRAINE: YUSHCHENKO DECREE FOR SEPT 30 ELECTIONS,
DISAGREEMENT OVER RADA STATUS CONTINUES

Classified By: Ambassador, reason 1.4 (b,d)

¶1. (SBU) Summary: President Yushchenko issued a June 5 decree which established pre-term elections September 30 in accordance with the May 27 joint statement between Yushchenko, PM Yanukovych, and Speaker Moroz. Yushchenko delivered a 55-minute address to the diplomatic corps June 6 summarizing the development and resolution of what he termed a "parliamentary crisis," thanked the international community for its patience and support, and invited international observers for the elections. Yushchenko stated that he had signed election-related legislation passed by the Rada May 29-June 2 as part of the compromise, even though some of the provisions were at odds with European standards; he was currently reviewing the 53 bills the Rada had re-endorsed, signing some and vetoing others (note: he signed the military exercise bill June 6). Looking forward, he considered the Rada as a body to lack a mandate to pass further legislation.

In contrast, PM Yanukovych told reporters June 6 that he considered the Rada legitimate and empowered to work unless the Constitutional Court ruled otherwise.

¶2. (C) Comment: Although there will be many bumps along the road, including a debate over the current status of the Rada, it seems clear that all the major players are committed to and preparing for September 30 elections. At the same time, we can expect Speaker Moroz to continue to draw out the process and question the legitimacy of the resignations by BYuT and OU MPs. Further key action lies at the Central Election Commission (CEC), both in terms of ruling on party lists in light the MP resignations and in preparing for the expected September 30 elections; the CEC is currently reorganizing after it was reconstituted June 1. End Summary and Comment.

Yushchenko's election decree: third time's a charm?

¶3. (SBU) Yushchenko issued a June 5 decree setting a third date, September 30, for pre-term elections, as agreed upon in the May 27 joint statement. The decree cited the decisions of the Our Ukraine (OU) and Tymoshenko Bloc (BYuT) executive bodies to terminate MP mandates, as well as an October 17, 2002 Constitutional Court decision which he claimed upheld the termination of the legitimacy of the Rada in such circumstances. The June 5 decree superseded the April 26 (second) decree. Speaking to journalists while touring Kherson province later June 5, Yushchenko reiterated his view that the Rada could no longer be considered an empowered body now that the resignation of over a third of its MPs had left it constitutionally inquorate (300 required, per Article 82).

¶4. (SBU) Speaker Moroz suggested to media that the third decree had settled the conflict between branches of power. However, Moroz and coalition MPs also immediately raised several procedural issues which could dog the June 5 decree, in spite of the political agreement to hold elections on

September 30 elections. In particular, they raised the problem of the constitutional provision that mandates that elections be held within 60 days of such a decree, which would suggest a decree issuance date no earlier than July 30, and procedural steps associated with MP resignations which had not been completed yet (Note: for his part, Moroz has refused to read out the names of resigning MPs, as requested by BYuT and OU MPs May 29, and has repeatedly called into question the legitimacy of the requests).

Yushchenko to the dip corps: all sides compromised

15. (SBU) Yushchenko followed up his decree with a 55-minute address to the assembled diplomatic corps June 6, reviewing the causes of what he called a "parliamentary crisis," the primary milestones of the crisis, its resolution in the May 27 statement, and the implications going forward (prepared English text emailed to EUR/UMB, though Yushchenko ad libbed at length). Yushchenko thanked the international community for its patience and support during the crisis. He stressed that all sides had compromised in the May 27 agreement. He personally thought provisions in the election law -- reinstitution of a 50 percent turnout threshold; requirement for voters to be in Ukraine three days prior to election day to vote; mobile ballot box "at home" voting -- were not European and represented steps backwards, but agreement to coalition conditions had been part of the compromise process. No one had been completely happy with all terms, a sign of a genuine compromise.

16. (SBU) Yushchenko's conclusions echoed his positions throughout the political crisis of the past two months: the May 27 agreement needed to be fulfilled completely; attempts

KYIV 00001396 002 OF 002

by some political players to undermine the agreement should be rejected (note: a clear reference to Moroz, whom he later fingered by name); early elections was the only way out of the political crisis, gave the final say to the Ukrainian people, and would serve as a vaccination for Ukrainian politicians against further constitutional violations and political corruption. Yushchenko guaranteed the conduct of fair, democratic, and transparent elections, rejected any use of administrative pressure or falsification, invited international observers to the elections, and vowed to introduce a bill removing MP criminal immunity after the new Rada convened.

Coalition dissonance: Rada still empowered

17. (SBU) Not surprisingly, the coalition and Rada majority took a different view of the Rada's status from Yushchenko. PM Yanukovich told reporters June 6 that he considered the Rada legitimate and empowered to work until one-third of the MPs resigned or the Constitutional Court ruled otherwise. The coalition majority conducted a short two-hour, desultory session June 6 in which it voted in a first reading on minor amendments to the Criminal Code. Moroz proposed adding to the agenda a Socialist-drafted change to the Rada Rules of Procedure governing resignations of MPs (note: likely intended to complicate the OU/BYuT resignation gambit), but Regions failed to support the last-minute addition absent faction consultations, leading to an angry retort by Moroz and a recess until June 7.

18. (SBU) For its part, the CEC continued internal organization after the June 1 reconstitution of its membership brought seven new commissioners onto the 15 member body. The newly constituted body has not yet issued any public pronouncements, and its website still lists former Chair Davydovych as its head.

19. (U) Visit Embassy Kyiv's classified website:
www.state.sgov.gov/p/eur/kiev.

